

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-20193 - APPLICANT: URBAN LOFTS XIV, LTD -  
OWNER: CITY OF LAS VEGAS**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-2/ld/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for General Plan (GPA-20188), Rezoning (ZON-20192), Variance (VAR-20190), Site Development Plan Review (SDR-20187), and Waiver (WVR-20191) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a Residential Planned Development on 3.98 acres where five acres is the minimum required for a proposed 56-unit, single-family attached residential subdivision located on the northwest corner of Stewart Avenue and Mojave Road.

The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.040. The proposed deviation is considered a self-imposed hardship as it is the applicant's choice to rezone the property; therefore, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/04/04	The City Council approved a request to Amend (GPA-4523) a portion of the Southeast Sector Plan of the Master Plan from SC (Service Commercial) to PF (Public Facilities), a Rezoning (ZON-4524) from C-1 (Limited Commercial) Zone to C-V (Civic) Zone and a Site Development Plan Review (SDR-4525) for a proposed government facility (East Las Vegas Business Incubator), on 3.59 acres adjacent to the northwest corner of Mojave Road and Stewart Avenue Action. Planning Commission and staff recommends approval.
04/12/07	<p>The Planning Commission recommended approval of companion items ZON-20192 and WVR-20191. The Planning Commission had no recommendation of companion items VAR-20190 and SDR-20187. The Planning Commission voted 4-2/ld/sd which failed to obtain a super majority vote which is tantamount to DENIAL of companion item GPA-20188 concurrently with this application.</p> <p>The Planning Commission voted 4-2/ld/sd to recommend APPROVAL (PC Agenda Item #53/jm).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
10/04/05	Code Enforcement (#35102) cited the property for weeds and debris. The case was closed on 10/06/05.
<b><i>Pre-Application Meeting</i></b>	
02/14/07	A pre-application meeting was held with regard to the proposed project. Issues related to the General Plan, Rezoning, Site Development Plan, Waiver and Variances were discussed. General process, code requirements and application submittal requirements were explained to the applicant.
<b><i>Neighborhood Meeting</i></b>	
03/14/07	A neighborhood meeting was held at 5:30pm at the East Las Vegas Community Senior Center, 250 N. Eastern Ave. No neighbors attended.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.98

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-1 (Limited Commercial) under a Resolution of Intent to C-V (Civic) Zone to R-PD15 (Residential Planned Development - 15 units per acre)
North	I-515	I-515	I-515
South	Community Recreational Center	PF (Public Facilities)	C-1 (Service Commercial)
East	Multi-Family	PF (Public Facilities)	R-3 (Medium Density Residential)
West	Correctional Facility	M (Medium Density Residential)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Redevelopment Plan Area	X		Y
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	1,206 SF
Min. Lot Width	20 Feet
Min. Setbacks	
• Front	3.75 Feet
• Side	0 – 17.31 Feet
• Rear	3.42 – 16.80 Feet
Max. Building Heights	3 stories, 38.5 feet

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-1	NA	NA
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD15	14.07 Units per Acre	59
<b>Proposed General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
M (Medium Density Residential)	25.49 Units per Acre	97

*Pursuant to Title 19.12, the following Landscape Standards apply:*

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Buffer: Min. Trees	1 Tree/30 Linear Feet	31 Trees	31 Trees	Y
Min. Zone Width	6 Feet		6 Feet	Y
Wall Height	8 Feet		Height not shown	NA

<b><i>Open Space – R-PD only</i></b>							
<b><i>Total Acreage</i></b>	<b><i>Density</i></b>	<b><i>Required</i></b>			<b><i>Provided</i></b>		<b><i>Compliance</i></b>
		<b><i>Ratio</i></b>	<b><i>Percent</i></b>	<b><i>Area</i></b>	<b><i>Percent</i></b>	<b><i>Area</i></b>	
3.98	14.1 du/acre	1.65	23%	40,249	1.1%	2,059	N*

*\*A Variance (VAR-20190) has been requested.*

*Pursuant to Title 19.10, the following parking standards apply:*

<b><i>Parking Requirement</i></b>
The project is required to provide a minimum of two parking spaces per dwelling unit. In addition, the project is required to provide one guest space for every six dwelling units. The proposed project is a 56 unit development which would require 10 guest spaces, the site has 11 guest spaces. Each unit is proposed to have a minimum of a two car garage. This meets Title 19.10 parking requirements.

## ANALYSIS

The proposed development is located on 3.98 gross acres. Per Title 19.06.040 a Residential Planned Development shall be located on a minimum of five acres. The proposed location is only 80 percent of the required area. This is a 20 percent deviation from Title 19.06.040 standards.

Per Title 19.06.040 for the R-PD (Residential Planned Development) District the minimum site area that is eligible for rezoning to the R-PD (Residential Planned Development) zoning district is five acres. This particular development is an infill parcel. The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.040. The proposed deviation is considered a self-imposed hardship as it is the applicant's choice to rezone the property; therefore, denial of this request is recommended.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship through requesting a zoning district that does not meet Code requirements. Alternative zoning would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 10

**NOTICES MAILED** 88 by City Clerk

**APPROVALS** 0

**PROTESTS** 0